



State of California—Health and Human Services Agency
Department of Health Services



ARNOLD SCHWARZENEGGER
Governor

November 15, 2004

AFL 04-26

TO: GENERAL ACUTE CARE HOSPITALS

**SUBJECT: INFORMATION REGARDING R-01-04E: CHANGES TO
LICENSED NURSE-TO-PATIENT RATIO REGULATIONS**

Regulations that make changes to the licensed nurse-to-patient ratio regulations at 22 CCR 70217 became effective when the Office of Administrative Law filed them with the Secretary of State on Friday, November 12, 2004.

The regulations, along with the Finding of Emergency document and a status/history document, are available for you review at the California Department of Health Services (CDHS) Licensing and Certification Program website at www.dhs.ca.gov/lnc/ntp/default.htm.

There are four changes that have been made to the regulations:

- The minimum licensed nurse-to-patient ratio of 1:6 in medical, surgical, medical/surgical, and mixed units will remain in effect until January 1, 2008, when it will change to a minimum of 1:5. This change had previously been scheduled to occur on January 1, 2005.
- Nurses may be counted in the ratio when they have a patient care assignment, are present on the unit, and are not on a statutorily-mandated work break.
- Hospital emergency departments have been provided with temporary staffing flexibility when they are "saturated" by an unforeseeable increase in the number or acuity of patients. Hospitals will be required to demonstrate that prompt efforts were made to maintain staffing levels.
- Documentation requirements for emergency departments have been simplified to require documentation of the licensed nurses and patients' arrival and departure times, but not the assignment correlated to patient identifiers as is required on all other hospital units.

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If you have any concerns about the regulations or would like to provide comments on them, CDHS would value your insight. You may direct your comments to regulation@dhs.ca.gov.

Sincerely,

Original signed by

Brenda G. Klutz
Deputy Director